

CALL TO ORDER, ROLL CALL AND PLEDGE

The December 10, 2013, Regular Business Meeting of the Monroe City Council was called to order by Mayor Robert G. Zimmerman at 7:00 p.m. in the Council Chambers, City Hall.

Councilmembers present: Cudaback, Davis, Goering, Hanford, Kamp, and Williams. Student Representative Vasatka was also in attendance.

Staff members present: Brazel, Farrell, Feilberg, Nelson, Popelka, Chief Quenzer, Sax, Smoot, Warthan, and City Attorney Snyder.

The Pledge of Allegiance was recited by attendees.

ANNOUNCEMENTS/PRESENTATIONS

1. RECOGNITION: SERGEANT DERREL JOHNSON RETIREMENT

Chief Quenzer recognized Sergeant Derrel Johnson for 28 years of service, providing a review of accomplishments, and presenting Sgt. Johnson with a Chief's Coin and shadow box prepared by Police Department staff. The following persons also spoke regarding Sgt. Johnson's service: Pastor Michael Hanford, Eadye Martinson, Councilmember Hanford, Sergeant Dunn, and two additional citizens in attendance (unidentified).

Chief Quenzer recognized Councilmember Tom Williams, and Mayor Zimmerman, thanking them for their service; and presented each with a Chief's Coin.

COMMENTS FROM CITIZENS

The following persons spoke regarding School Mitigation Impact Fees: John Mannix, Nancy Truitt Pierce, Kerry Boon, and Katie Woods.

The following persons spoke regarding marijuana regulations and I-502: Verna Korslund, John Stima, Pastor Michael Hanford, Kerry Boon, and Kevin Haskins.

STUDENT REPRESENTATIVE REPORT

Student Representative Vasatka reported to the Council on the following items regarding Monroe High School: the Drama Club Event 'Nights of Comedy'; the ASB sponsored ping pong tournament; the second annual 'Catfight' with Snohomish High School – an American Heart Association fundraiser; and upcoming winter sports – wrestling match and basketball games.

EXECUTIVE SESSION

3. POTENTIAL LITIGATION - RCW 42.30.110(1)(i)(ii) (10 MINUTES)

Mayor Zimmerman stated that the Council would recess into Executive Session to discussion Potential Litigation for approximately 10 minutes. Attorney Snyder read the appropriate citation in to the record - RCW 42.30.110(1)(i)(ii).

The meeting recessed into executive session at 8:10 p.m. and reconvened at 8:20 p.m.

CONSENT AGENDA

1. Approval of the Minutes; December 3, 2013, Regular Business Meeting
2. *Number not used*
3. Approval of Payroll Warrant
4. Ordinance Amending the Code Regarding Admissions Tax/ 1st & Final Reading
5. *(Item removed from consent agenda and addressed separately.)*

Councilmember Goering moved to approve Item Nos. 1, 3 and 4 of the Consent Agenda; the motion was seconded by Councilmember Hanford.
On vote,

Motion carried (6-0).

ITEMS REMOVED FROM THE CONSENT AGENDA

5. Resolution/Amendments to Council Rules of Procedure

Councilmember Kamp moved to approve Consent Agenda Item No. 5, with an amendment to Resolution No. 2013/025, Exhibit 2, Section 2.5, striking the word 'will' and inserting in its place the word 'may'; the motion was seconded by Councilmember Goering. On vote,

Motion carried (6-0).

MOTION

Councilmember Hanford moved to waive Council Rules of Procedure, adding a resolution and ordinance to the agenda, and to act on the items upon first reading; the motion was seconded by Councilmember Goering.
On vote,

Motion carried (6-0).

Councilmember Hanford moved to adopt Resolution No. 2013/026, requesting the Association of Washington Cities and the City's Legislative Delegation to amend the provisions of I-502 to provide for a local option for communities, by vote of the people, to prohibit the manufacture, processing and sale of marijuana within a community, and providing direction to staff; the motion was seconded by Councilmember Cudaback.
On vote,

Motion carried (6-0).

Councilmember Hanford moved to adopt Ordinance No. 025/2013; the motion was seconded by Councilmember Goering. Attorney Snyder read the ordinance title into the record; and provided further description of the action item.

Discussion ensued regarding the title of the ordinance.

Councilmember Kamp moved to table the item; the motion was seconded by Councilmember Cudaback. On vote,

Motion carried (6-0).

EXECUTIVE SESSION

1. PROPERTY NEGOTIATIONS - RCW 42.30.110(1)(C) (10 MINUTES)
2. PROPERTY NEGOTIATIONS - RCW 42.30.110(1)(C) (20 MINUTES)

Mayor Zimmerman stated that the Council would recess into Executive Session to discussion two Property Negotiation items, for approximately 10 and 20 minutes, respectively. Attorney Snyder read the appropriate citation in to the record - RCW 42.30.110(1)(C).

The meeting recessed into executive session at 8:50 p.m. and reconvened at 9:20 p.m.

Councilmember Hanford moved to take the motion regarding adoption of Ordinance No. 025/2013 off the table; the motion was seconded by councilmember Cudaback. On vote,

Motion carried (6-0).

Ordinance No. 025/2013, as moved by Councilmember Hanford and seconded by Goering, was read into the record by Attorney Snyder as follows:

Ordinance No. 025/2013, an ordinance of the City of Monroe, Washington, adopted pursuant to Article 11, Section 11 of the Washington Constitution, RCW 35A.63.220 and RCW 36.70A.390; establishing a moratorium upon the City's receipt and processing of land use and business license applications for marijuana-related uses; adopting a zoning regulation prohibiting medical cannabis collective gardens in all zoning districts of the City; entering legislative findings; requesting reparation of a work plan; declaring an emergency and establishing an immediate effective date.

On vote,

Motion carried (6-0).

Mayor Zimmerman thanked Council for their work on a difficult subject matter; and indicated a public hearing would be held within 60 days regarding the emergency ordinance, and moratorium.

MOTION

Councilmember Goering moved to waive Council Rules of Procedure, adding two resolutions to the agenda for action; the motion was seconded by Councilmember Kamp. On vote,

Motion carried (6-0).

Councilmember Goering moved to adopt Resolution No. 2013/027, authorizing the sale of certain real property to Halle Properties, LLC; the motion was seconded by Councilmember Hanford.

Councilmember Cudaback spoke in opposition to the sale.

On vote,

Motion carried (5-1), with Councilmember Cudaback opposed.

Councilmember Goering moved to adopt Resolution No. 2013/028, authorizing the sale of certain real property to Land Resources NW, LLC; the motion was seconded by Councilmember Cudaback.

Councilmember Cudaback spoke in support of the sale.

On vote,

Motion carried (6-0).

Mayor Zimmerman and Mr. Jeff Sax, Economic Development, commented on the real property sales.

UNFINISHED BUSINESS

- 1. Amendments to Comprehensive Plan and Monroe Municipal Code/ 1st Readings:**
 - A. Ordinance Amending 2013 Comprehensive Plan;**
 - B. Ordinance Amending MMC Chapter 20.07 (School Mitigation Fee Program) ZCA 2012-09 School Mitigation Fees**
 - C. Ordinance Adopting East Monroe Rezone RZ2012-01**

Mr. Paul Popelka, Planning and Permitting Director, provided background information on the amendments to the Comprehensive Plan, MMC 20.07, and East Monroe Rezone; and corresponding ordinances for first reading. Mr. Popelka provided clarification to Councilmember queries regarding item A.

Councilmember Goering moved to accept as first reading Ordinance No. 022/2013, amending the Monroe Comprehensive Plan; the motion was seconded by Councilmember Kamp. On vote,

Motion carried (6-0).

In regards to item C., Mr. Popelka read applicable 'Appearances of Fairness' language into the record and queried Council regarding conflicts/personal interests.

Councilmember Cudaback stated she contacted Planning Commissioner Demarest regarding the outcome of the Planning Commission meeting the previous evening. No other statements were made in response. No parties came forward to challenge the responses of Council.

Councilmember Goering moved to accept as first reading Ordinance No. 024/2013, adopting the East Monroe Rezone RZ2012-01; the motion was seconded by Councilmember Hanford.

Discussion ensued regarding the findings and conclusions to be provided with the ordinance for second and final reading; and the Planning Commission findings and conclusions. Councilmember Cudaback spoke in opposition to the Rezone item.

On vote,

Motion carried (5-1); with Councilmember Cudaback opposed.

Councilmember Goering moved to accept as first reading Ordinance No. 023/2013, amending MMC 20.07, School Mitigation Fee Program, ZCA2012-09 School Mitigation Fees; the motion was seconded by Councilmember Kamp.

Discussion ensued regarding percentage of discount (25 versus 50 percent), challenges of schools and building businesses; RCW 82.02.050-Impact fees-Intent-Limitations; capital facilities funding/options; student count; and the next scheduled review/updates to impact fees.¹

On vote,

Motion died (tie vote of 3-3);
with Councilmembers Cudaback, Hanford, and Kamp opposed.

Mayor Zimmerman indicated the item will be coming back to Council on December 17, 2013; Mr. Popelka indicated he would prepare amendments based on Council discussion for consideration at that time.

NEW BUSINESS

1. 2014 Fees Schedule Proposal

City Administrator Gene Brazel reported on the annual update of the fees resolution; noting rate increases and additions to the fee schedule. Mayor Zimmerman stated the item would be back for Council consideration on December 17, 2013.

FINAL ACTION

1. Ordinance Adopting 2014 Budget/2nd & Final Reading

¹ During discussion –Councilmember Hanford moved to extend the meeting past 10 p.m.; the motion was seconded by Councilmember Kamp. On vote, the motion carried (6-0).

Finance Director Dianne Nelson provided a brief overview of the budget process to-date.

Councilmember Hanford moved to adopt Ordinance No. 020/2013; the motion was seconded by Councilmember Kamp. City Administrator Brazel read the ordinance into the record as follows:

An ordinance of the City of Monroe, Washington, adopting the budget for the fiscal year ending December 31, 2013.

On vote,

Motion carried (6-0).

COUNCILMEMBER REPORTS

No Councilmember reports were offered at the time of the meeting.

STAFF/DEPARTMENT REPORTS

1. Public Works Report
2. Parks & Recreation Dept. Report

Hard copy reports were included in the Council agenda packets; no additional reports were offered at the time of the meeting.

MAYOR/ ADMINISTRATIVE REPORTS

Mayor Zimmerman stated he may not be in attendance at the December 17, 2013, regular business meeting; and thanked Councilmembers and Staff.

City Administrator Brazel thanked Mayor Zimmerman for his service; and thanked staff for their hard work the past couple of weeks.

1. Draft Agenda for December 17, 2013 Regular Business Meeting

City Administrator Brazel presented the draft agenda for December 17, 2013.

MOTION

Mayor Zimmerman reported receiving 'An Open Letter to the Machinists and their Families'; and queried Council regarding signing in support of the letter. Councilmember Hanford stated he is a member of the Machinists, and will therefore abstain from voting.

Councilmember Kamp moved to recommend the Mayor sign in support of the 'Open Letter'; the motion was seconded by Councilmember Goering.
On vote,

Motion carried (5-0), with Councilmember Hanford abstained.

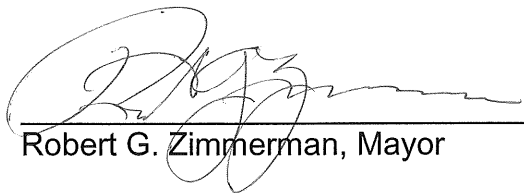
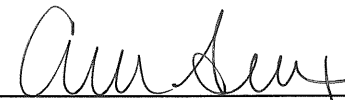
Mayor Zimmerman reported on the Snohomish Health District, Board of Health Representative for 2014 – Snohomish Mayor Guzak is interested in continuing as representative for the area; and queried whether he should sign a letter of support, or if there is another recommendation from Council for this representative. The nomination is due by January 7, 2014. Councilmember Cudaback stated she would like further discussion on this matter.

ADJOURNMENT

There being no further business, the motion was made by Councilmember Hanford and seconded by Councilmember Kamp to adjourn the meeting. On vote,

Motion carried (6-0).

MEETING ADJOURNED: 10:41 p.m.


Robert G. Zimmerman, Mayor
Elizabeth M. Smoot, CMC, City Clerk

Minutes approved at the Regular Business Meeting of December 17, 2013.